United Nations CRC/C/DOM/CO/3-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of the Dominican Republic*

I. Introduction

1. The Committee considered the combined third to fifth periodic reports of the Dominican Republic (CRC/C/DOM/3-5) at its 1932nd and 1934th meetings (see CRC/C/SR.1932 and 1934), held on 12 and 13 January 2015, and at its 1983rd meeting, held on 30 January 2015, adopted the following concluding observations.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party (CRC/C/DOM/3-5) and the written replies to the list of issues (CRC/C/DOM/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.[1] The Committee expresses its appreciation for the constructive dialogue held with the delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) Act No. 5-13 on Disabilities (January 2013);

(b) Act No. 135-11 on HIV/AIDS (June 2011);

(c) Provisions on children's rights contained in the new Constitution (January 2010).

4. The Committee also notes with appreciation the ratification of the following:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in October 2014;

(b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in January 2012;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

[1] The term "children" encompasses anyone under the age of 18, including adolescents. In Spanish, "children" should be rendered as "niños, niñas y adolescentes".

(c) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in August 2009.

5. The Committee also welcomes the following institutional and policy measures:

(a) Policy on Early Childhood (2013);

(b) Appointment of an Ombudsperson (2013);

(c) National Development Strategy (2010–2030);

(d) National Gender Equality and Equity Plan (2007–2017).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6)

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations, adopted in 2008 (CRC/C/DOM/CO/2) that have not been implemented or not sufficiently implemented and, in particular, those relating to helplines (para. 18), data collection (para. 22), coordination (para. 24), dissemination and training (para. 24) and standard of living (para. 69).**

Legislation

7. While noting the legislative initiatives taken to protect children's rights, such as the constitutional recognition of some children's rights in 2010, the Committee remains concerned about the low rate of implementation of laws. It is also concerned about the legal reforms relating to nationality and juvenile justice that contravene the principles and rights enshrined in the Convention and about the lack of transparency in the reform process for the Family Code. The Committee further regrets that accountability for children's rights violations is not systematically ensured.

8. **The Committee recommends that the State party:**

(a) Review all its legislation and reform proposals with a view to ensuring full conformity with the provisions of the Convention;

(b) Take all the necessary measures to implement effectively the laws, policies and programmes related to children's rights, including by allocating adequate human, financial and technical resources;

(c) Ensure that the preliminary draft family code is submitted for consultation, and that the views of children and relevant child-rights organizations are heard and fully taken into account;

(d) Guarantee systematic accountability for all children's rights, including by facilitating effective access to justice and ensuring that the relevant laws, policies and programmes are monitored and evaluated.

Comprehensive policy and strategy

9. While welcoming the policy on early childhood and noting that the National Development Strategy 2010-2030 addresses some child-rights issues, the Committee remains concerned about the lack of a comprehensive policy on children covering all aspects of the Convention and its optional protocols.

10. **The Committee reiterates its recommendation (CRC/C/DOM/CO/2, para. 9) and encourages the State party to prepare a comprehensive policy on children and, on the basis of the policy, to develop a strategy with the elements for its application,**

including indicators and a monitoring mechanism provided with sufficient human, technical and financial resources.

Allocation of resources

11. The Committee notes the increase in the budget allocated to education. It nevertheless remains concerned that investment in health continues to be the lowest in the region and that insufficient resources are allocated to implementing laws and policies relating to children's rights.

12. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States" and with an emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources for the implementation of children's rights. This includes, in particular, increasing the budget allocated to health, education and other social sectors and addressing disparities on the basis of indicators relating to children's rights;

(b) Adopt a child-rights approach in preparing the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(c) Carry out impact assessments on how the best interests of the child are taken into consideration in investments or budget cuts in any sector, and ensure that the effects of such investment or budget cuts on girls and boys are measured;

(d) Take all the necessary measures to prevent and combat corruption.

Independent monitoring

13. While noting the appointment of the Ombudsperson in 2013, the Committee regrets that a deputy ombudsperson for children has not yet been appointed. It is also concerned about the lack of visibility of children's rights within the work of the Ombudsperson, as only one case involving a child has been addressed so far.

14. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:**

(a) Expedite the appointment of a deputy ombudsperson for children and ensure that he or she is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims;

(b) Ensure the visibility of children's rights within the work of the Ombudsperson;

(c) Ensure full compliance of the ombudsperson institution with the Principles relating to the Status of National Institutions (the Paris Principles) and seek the support of the Office of the United Nations High Commissioner for Human Rights in that process.

Cooperation with civil society

15. The Committee is concerned about reports of hostility and harassment faced by human rights defenders advocating for the rights of Haitian migrants and Dominicans of Haitian descent, including children, or denouncing child exploitation and trafficking.

16. **The Committee urges the State party to take all the necessary measures to prevent, investigate, prosecute and punish the harassment of and attacks against**

human rights defenders advocating for the rights of Haitian migrants and Dominicans of Haitian descent and/or denouncing child exploitation and trafficking.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

17. While noting as positive the criminalization of discrimination and the adoption of some relevant policies, such as the National Gender Equality and Equity Plan (2007-2017), the Committee remains concerned about:

(a) The low rate of implementation of relevant policies and the lack of strategies targeting particular groups of children;

(b) Persistent discrimination against and gender stereotyping of women and girls, often perpetuated in the media and in campaigns for promoting tourism, which contribute to the high prevalence of gender-based violence, particularly against girls of Haitian origin;

(c) The prevalence of discrimination against children of Haitian origin, especially with regard to their right to education;

(d) Continuous discrimination and/or violence against children with disabilities, children living with HIV/AIDS, children in marginalized urban and rural areas, children in street situations, lesbian, gay bisexual, transgender and intersex children and children from disadvantaged and marginalized communities.

18. **The Committee recommends that the State party:**

(a) Urgently address discrimination against children, including by allocating adequate resources to implementing existing policies, adopting further strategies and devising indicators, and setting up a monitoring mechanism;

(b) Provide child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative care institutions and any other settings and ensure that all discriminatory acts are sanctioned in accordance with the Criminal Code;

(c) Increase efforts to eliminate patriarchal attitudes and gender stereotypes that discriminate against women and girls. The media and the tourism sector should be particularly targeted;

(d) Ensure that professionals working with and for children, students, the media and the general public are sensitized to the negative impact of such stereotypes and discriminatory attitudes on children's enjoyment of their rights.

Best interests of the child

19. The Committee welcomes the inclusion in the Constitution of the right of the child to have his or her best interests taken as a primary consideration. It is nevertheless concerned that in practice this right is not adequately protected and that public officials have not received adequate guidance on its application.

20. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. The State party is therefore encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for**

determining the best interests of the child in every area and for giving them due weight as a primary consideration.

Right to life, survival and development

21. The Committee is concerned at the information provided by the State party that the number of children's deaths caused by common criminality, drowning, electrocution and traffic accidents has not significantly changed in the last three years.

22. **The Committee recommends that the State party take all the necessary preventive measures to protect children's right to life, including by raising awareness about accident prevention and devising and implementing effective related sanctions. The State party should also ensure that alleged perpetrators of crimes resulting in the death of a child are duly investigated and prosecuted and that the families of child victims receive reparation.**

Respect for the views of the child

23. The Committee is concerned about the insufficient measures taken to ensure that the opinions of children are duly considered in all relevant administrative and judicial processes, and about the low rate of implementation of measures taken to ensure that children participate effectively in all spheres of life. It is also concerned that the Children's Consultative Council has not yet been established.

24. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) Develop a comprehensive strategy to ensure the right of the child to participate in all spheres of life. The strategy should be well resourced and include a gender perspective;

(b) Review legislation and its implementation to ensure that the opinions of children are duly considered in all administrative and judicial processes in which decisions are taken that affect them;

(c) Develop systems, procedures and guidelines for social workers, courts and relevant administrative officers on the implementation of this right;

(d) Establish the Children's Consultative Council, develop guidelines for its operation and ensure that children in marginalized or vulnerable situations are appropriately represented on it.

C. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

25. The Committee is concerned that in 2012 one fifth of children under 5 years of age, mostly from families living in poverty, had no birth certificate. While noting the pilot project under way in four hospitals to address the situation, the Committee is concerned that, even though civil registry offices exist within hospitals, many children remain unregistered.

26. **The Committee recommends that the State party:**

(a) Continue monitoring the enforcement of relevant administrative measures to ensure that all children born in hospitals are registered before they leave;

(b) Strengthen its efforts to ensure an effective and cost-free procedure to provide a birth certificate for all children who do not yet have one;

(c) Provide training for health personnel and the personnel of registry offices in hospitals and organize awareness-raising activities for families and pregnant women concerning the importance of registering children at birth, the documents required and the procedures involved.

Name and nationality

27. The Committee is deeply concerned about the 2013 Constitutional Court ruling which might deprive tens of thousands of people of Haitian descent of their nationality, including children born in the country to parents with an irregular migratory status. While noting the adoption in 2014 of the Law on Naturalization to address the consequences of this ruling, the Committee is concerned about its low rate of implementation and that the naturalization process does not fully comply with the Convention. It is also concerned that the State party has formally rejected the 2014 judgement of the Inter-American Court of Human Rights on a related case, in which reparation measures were ordered.

28. **The Committee strongly urges the State party to:**

(a) Ensure the restoration of nationality to all individuals, including children, born before the Constitution of 2010 who are affected by the Constitutional Court's ruling of 23 September 2013;

(b) Ensure that no individual, including children, affected by the Constitutional Court's ruling is deported;

(c) Apply non-retroactive and non-discriminatory citizenship policies and practices;

(d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(e) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF) among others, for the implementation of these recommendations.

Right to privacy/access to appropriate information

29. The Committee is concerned about the lack of regulations to protect the privacy and safety of children accessing information and communications technology (ICT) and the lack of a comprehensive strategy to ensure equal access to it.

30. **Following the recommendations of the day of general discussion on digital media and children's rights, the Committee recommends that the State party:**

(a) Develop regulations to protect the privacy of children, and ensure that children, teachers and families are adequately trained in the safe use of digital media and made aware of the potential dangers and risks;

(b) Draw up a comprehensive strategy to ensure that all children have equal access to ICT as a tool to access appropriate information and participate in public life;

(c) Strengthen the mechanisms to monitor and prosecute ICT-related violations of children rights.

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Freedom of the child from all forms of violence

31. The Committee notes the adoption of the National Road Map for the Prevention and Elimination of Violence against Children, as well as the statement made by the delegation

of the State party that a special law prohibiting corporal punishment will be adopted. However, the Committee is concerned about the lack of a comprehensive law that addresses all forms of violence against children. It is also deeply concerned about:

(a) The very high incidence of domestic violence and gender-based violence, including feminicides where many mothers have been murdered leaving behind orphaned children;

(b) The high prevalence of corporal punishment of children and the lack of an explicit prohibition of corporal punishment in all settings;

(c) The high rate of violence and bullying among students;

(d) The lack of sufficient guidelines, protocols and referral mechanisms for child victims or witnesses of violence;

(e) Reports that "transition homes" for victims of abuse are overcrowded, that the staff providing psychological services are inadequately trained and that there is a lack of social workers to support those services and conduct home visits.

32. **In the light of its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) Adopt a comprehensive law that addresses all forms of violence, explicitly prohibits corporal punishmeat in all settings and includes measures to raise awareness of positive, non-violent and participatory forms of child-rearing;

(b) Expeditiously implement the National Road Map for the Prevention and Elimination of Violence against Children, in coordination with specialized civil society organizations and children, addressing the gender dimension of violence and providing adequate resources and a monitoring mechanism;

(c) Strengthen its efforts to prevent violence, in particular feminicide, against mothers and caregivers, investigate all cases, prosecute the alleged perpetrators, punish the convicted and adequately compensate and rehabilitate the victims;

(d) Adopt and implement relevant guidelines, protocols and referral mechanisms to protect the rights of child victims or witnesses of violence;

(e) Ensure the availability and quality of prevention, protection, access to justice, rehabilitation and reintegration programmes, including health services and psychosocial support, free helplines and adequate shelters for victims;

(f) Ensure children's access to justice, including by providing legal support and making available child-friendly and confidential complaint mechanisms in institutions, schools, detention centres, hospitals and any other relevant setting;

(g) Increase efforts to implement the Standards for Harmonious Coexistence in Public and Private Schools and related initiatives effectively, closely monitor their implementation and raise awareness about them among teachers, students and parents.

Sexual exploitation and abuse

33. The Committee welcomes the measures taken to protect children from sexual exploitation and abuse such as the cooperation agreement with the tourism industry. It is, nevertheless, concerned about:

(a) The high prevalence of sexual abuse and exploitation, such as sexual exploitation by foreign tourists, particularly affecting children of Haitian descent;

(b) Sexual abuse and exploitation still being perceived as a private matter, which contributes to a high level of impunity in this area;

(c) Reports that some adolescent pregnancies are the result of sexual violence;

(d) The lack of a minimum age for sexual consent in the Criminal Code and the definition and sanctions of crimes relating to sexual exploitation and abuse not being in full accordance with international standards;

(e) The insufficient implementation of the national Action Plan to Eradicate all Forms of Abuse and Commercial Sexual Exploitation of Girls, Boys and Adolescents (2006-2016);

(f) The lack of appropriate care and rehabilitation programmes for child victims of sexual exploitation and abuse.

34. **The Committee recommends that the State party:**

(a) Review the legislation to set a minimum age for sexual consent in accordance with international standards and ensure that the definition of crimes relating to sexual exploitation and abuse complies with the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography, and that sanctions are commensurate with the gravity of the offences;

(b) Collect disaggregated data on child sexual exploitation and abuse and conduct a study on the extent of the phenomenon;

(c) Evaluate the results of the Plan of Action to Eradicate the Abuse and Commercial Sexual Exploitation of Girls, Boys and Adolescents and allocate adequate resources so that it can be implemented effectively;

(d) Ensure adequate quality services and resources to protect, compensate and rehabilitate child victims of sexual abuse and exploitation and to facilitate their access to justice;

(e) Provide training for judges, lawyers, prosecutors, the police and other relevant professional groups on how gender stereotyping by the judiciary affects girls' right to a fair trial in sexual-violence cases and monitor trials in which girl victims are involved;

(f) Raise awareness to prevent sexual abuse and exploitation, and combat the stigmatization of victims, in particular when the alleged perpetrator is a relative;

(g) Monitor the implementation of the agreement with the tourist industry on the prevention of child sex tourism;

(h) Strengthen international cooperation for prevention and prosecution in relation to child sex tourism.

35. The Committee is deeply concerned about the numerous cases of child sexual abuse and exploitation which have not yet been duly prosecuted, including cases involving members of the Roman Catholic Church. The Committee is particularly concerned that the nuncio Józef Wesołowski and the priest Wojciech Gil, who are allegedly responsible for sexually abusing children, have not yet been prosecuted. It is also concerned that a 1954 agreement with the Holy See contains provisions which establish privileges regarding the prosecution of crimes committed by members of the Catholic clergy, which has led to much impunity.

36. **The Committee urges the State party to:**

(a) Prevent, investigate and prosecute all cases of sexual abuse and exploitation of children, including those allegedly committed by members of the

Roman Catholic Church and by representatives of other religions. Those convicted should be adequately punished and the victims compensated and rehabilitated;

(b) Continue its efforts to ensure that the nuncio Józef Wesołowski and the priest Wojciech Gil are duly prosecuted. The Committee also recommends using, when appropriate, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as the legal basis for extradition, in conformity with article 5 thereof, and requesting their extradition in the event of their not being duly prosecuted by the Vatican and Poland;

(c) Abolish all privileges regarding the prosecution of crimes committed by members of the Roman Catholic Church established in the agreement with the Holy See.

Harmful practices

37. The Committee is concerned that although the minimum age for marriage is set at 18 for both girls and boys, child marriage, especially of girls, remains highly prevalent in the State party. The Committee is particularly concerned that 15-year-old girls and 16-year-old boys can enter marriage with the written consent of their parents and that even younger children can be allowed to marry with the authorization of a judge.

38. **In the light of general comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party ensure that the minimum age of marriage, set at 18 years of age for both girls and boys, is enforced, that in no circumstance can a child below 16 years of age be married, and that the grounds for obtaining derogation as of 16 years of age, only upon the authorization of a competent court and with the full, free and informed consent of the child, are strictly defined by law. The State party should undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Family environment

39. The Committee regrets the insufficient measures taken to protect the family life of children in the context of migration, such as children of women who have emigrated to other countries for economic reasons or Haitian children whose parents have been deported back to their country. The high number of adolescent mothers and the lack of programmes to support them is also a source of concern.

40. **The Committee reiterates its previous recommendation (CRC/C/DOM/CO/2, paras. 49 and 51) and recommends that the State party:**

(a) Continue to evaluate the impact of social programmes for families, improve their efficiency and provide them with adequate resources;

(b) Not deport children who are in the care of their family in the State party and ensure that children are not deported to a country where their protection is not guaranteed;

(c) Strengthen its efforts to prevent the separation of children from their parents in the context of migration for economic reasons and ensure that persons who left the country to work abroad are able to meet their parental responsibilities, including by providing them with family counselling;

(d) Design and put in place programmes to support single-headed households, particularly those headed by adolescent girls, and ensure that they have access to early childhood care, health and education.

Children deprived of a family environment

41. Noting the new foster-family programme in five municipalities, the Committee regrets that insufficient measures have been taken to protect the rights of children deprived of a family environment. It is particularly concerned about:

(a) The high number of children living in public and private institutions;

(b) Reports that children are admitted into institutions in an irregular way, without a court order or documents supporting their identity;

(c) The deficient infrastructure of institutions and the lack of information on their functioning;

(e) The lack of national standards for alternative care for children;

(d) The inadequate supervision of the institutions by the National Council for Children and Adolescents (CONANI).

42. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, it recommends that the State party:**

(a) Strengthen all forms of support to families to prevent out-of-home placements and intensify measures to reunite children with their families if this is in the best interests of the child;

(b) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care, and monitor all placements to ensure that they are made in accordance with a court order;

(c) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of the care, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children;

(d) Evaluate the impact of the foster-family programme and make it available in all municipalities with a view to reducing the institutionalization of children, particularly children under 3 years of age;

(e) Ensure the allocation of adequate human, technical and financial resources to alternative care centres and relevant child-protection services in order to facilitate the rehabilitation and social reintegration of the children in their care;

(f) Adopt national standards for the alternative care of children, including criteria for the authorization, functioning and services of care institutions. The standards should be adopted in consultation with children and relevant child-rights organizations;

(g) Strengthen the capacity of CONANI to supervise and regulate the alternative-care institutions for children.

Adoption

43. While recognizing the progress made with the establishment of the Adoptions Department in 2008, the Committee is concerned about the lack of transparency in the

adoption processes. The Committee is also concerned that the provisions in Law 136-03 concerning international adoptions have not yet been modified to comply with international standards.

44. **The Committee recommends that the State party:**

(a) Review Law 136-03 and the administrative and judicial procedures for international adoptions to ensure that they comply with the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and only take place when national adoption is not possible, and with the best interests of the child as the paramount consideration;

(b) Ensure transparency, accountability and compliance with international standards in the adoption processes, including by allocating adequate human, financial and technical resources to the Adoptions Department, monitoring its functioning, reporting on its results and providing its staff with training.

Early childhood development

45. The Committee welcomes the measures taken to promote early childhood development. It is concerned, however, about the insufficient implementation of the Comprehensive Early Childhood Protection and Care Plan and regrets the lack of information on how the needs of children in vulnerable and marginalized situations, such as those living in prison with their mothers, are being addressed.

46. **The Committee recommends that the State party evaluate the implementation of the Comprehensive Early Childhood Protection and Care Plan (2013), and ensure that adequate resources are allocated. The State party should also ensure that all children benefit from the Care Plan, in particular children in vulnerable and marginalized situations, such as those who live with their mothers in prisons.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

47. While welcoming the adoption of Act No. 5-13 on Disabilities, the Committee is concerned about:

(a) Reports that, in 2013, only 52 per cent of schools received students with disabilities, of which around 60 per cent had no specialized staff, strategies or resources to implement inclusive education;

(b) Lack of access for children with disabilities to adequate health care, to public spaces because of architectural barriers, and to adequate spaces for recreation and participation;

(c) Lack of support to families with children with disabilities living in poverty;

(d) Insufficient information on the functioning, services, results and sustainability of the Centres of Care for Children with Disabilities.

48. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) Ensure that inclusive education is given priority over education in specialized institutions;

(b) Ensure the availability and accessibility of specialized health-care services, buildings and spaces for recreation, and participation for children with disabilities, including by allocating adequate resources;

(c) Guarantee social-protection programmes, including subsidies for families with children with disabilities living in poverty, and free access to treatment and rehabilitation programmes;

(d) Take measures to ensure coordination among relevant entities at the national and local levels, in particular between CONANI and the National Council on Disability;

(e) Strengthen administrative remedies for children with disabilities whose rights have been violated and facilitate their access to justice, including by providing free legal aid;

(f) Organize awareness-raising campaigns aimed at the Government, the general public and families to combat stigmatization of and prejudice towards children with disabilities and to promote a positive image of children and adults with disabilities.

Health and health services

49. While welcoming the measures taken to improve children's health, such as the plans on health and child and maternal mortality, the Committee remains concerned about the insufficient implementation of laws, policies and programmes relating to children's health, such as the Health Plan 2006-2015, owing to the low budget allocated to health, especially at the regional level. The Committee is also concerned about:

(a) The continued high rate of neonatal mortality and slow reduction of child mortality rates;

(b) The high rate of maternal mortality, 80% of which was preventable;

(c) Persistent chronic child malnutrition;

(d) Only around 6.7 per cent of children being exclusively breastfed during the first six months of 2013, other foods being introduced very early and health personnel frequently recommending breast-milk substitutes;

(e) Poor water quality leading to maternal and neonatal deaths and the increased risk of cholera becoming an epidemic.

50. **In line with its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:**

(a) Evaluate the results of the Health Plan 2006-2015 and, based on the lessons learned, review it and ensure that it is adequately resourced and includes indicators, a monitoring mechanism and a gender perspective;

(b) Strengthen efforts to reduce neonatal, child and maternal mortality and, to that effect, take into account the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(c) Establish independent mechanisms for investigating cases of child and maternal mortality and apply legal sanctions when this is due to negligence on the part of health personnel;

(d) Increase efforts to eliminate child malnutrition;

(e) Enhance efforts to promote breastfeeding through educational campaigns, implement fully the Strategic Plan on Breastfeeding (2012-2016), the International Code of Marketing of Breast-milk Substitutes and the Baby-Friendly Hospital Initiative, and strengthen maternity protection;

(f) Continue implementing measures to eliminate the incidence of cholera and take all necessary measures to ensure that adequate safe water and sanitation are available, especially in hospitals.

Adolescent health

51. While noting the adoption in 2011 of a plan to prevent adolescent pregnancies, the Committee is concerned about its low level of implementation as a result of insufficient resources and coordination and the influence of religious leaders. It is particularly concerned about:

(a) The high prevalence of pregnancy among girls as young as 10 years of age and information that, in 2010, 33.2 per cent of girls between the ages of 15 and 19 who were living in poverty had been pregnant at least once;

(b) Reports that many of the maternal deaths are of adolescent girls;

(c) Pregnant girls resorting to unsafe abortions, because abortion is criminalized;

(d) Reports that the National Sexual Education Programme has not yet been implemented in schools and that adolescents do not have access to contraceptive methods.

52. **Referring to its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) Increase its efforts to reduce teenage pregnancies by implementing the National Plan for Prevention of Adolescent Pregnancies (2011-2016), allocate adequate resources and strengthen institutional coordination;

(b) Enhance efforts to reduce maternal mortality by providing adequate sexual and reproductive health services, including emergency contraception, antenatal, delivery and postnatal services. It is also encouraged to consider the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22);

(c) Ensure the effective implementation of the National Sexual Education Programme for girls and boys, giving special attention to preventing early pregnancy and sexually transmitted infections, and also ensuring that confidential counselling and free contraceptives are made available;

(d) Expedite the adoption of the proposal to decriminalize abortion and ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not. The views of the child should always be heard and respected in abortion decisions;

(e) Raise awareness of the relevant authorities, medical staff, parents, teachers, religious leaders and the population at large in relation to sexual and reproductive health and rights.

HIV/AIDS

53. The Committee notes the progress made by the State party in preventing HIV/AIDS among children, such as the decrease in the mother-to-child transmission rate. However, it remains concerned at reports that HIV/AIDS testing is only available at a limited number of community health centres.

54. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) Ensure the sustainability of the programme on HIV/AIDS, including the measures to prevent mother-to-child transmission of HIV/AIDS, and the availability of universal anti-retroviral treatment by allocating adequate human, financial and technical resources;

(b) Increase the capacity for HIV/AIDS testing of pregnant women and children at the community health centres.

Drug and substance abuse

55. The Committee is concerned about the high incidence of psychotropic-substance abuse among children and the insufficient measures taken to prevent and reduce it. While noting the information provided on the functioning of the Care Center for adolescent substance consumers, the Committee is concerned about its concrete results and its impact on adolescents' health.

56. **The Committee recommends that the State party address the incidence of drug use by children by, for instance, providing them with accurate and objective information, as well as life-skills education, on preventing substance abuse, and developing accessible and youth-friendly treatment for drug dependency. The State party should also evaluate the functioning and impact of the Care Center for adolescent substance consumers and ensure that it is adequately resourced.**

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

57. The Committee notes the adoption of the Ten-Year Education Plan 2008-2018 and the increase in educational coverage, in particular in regard to primary education. It is, however concerned about:

(a) Children who lack a birth certificate and children of Haitian descent who lack official documentation not being allowed to take the national examinations required to graduate from primary and secondary education;

(b) Challenges in ensuring the permanence and completion of primary education, and information that in 2012 only 19.5 per cent of girls and 15.4 per cent of boys completed their secondary education;

(c) The low quality of education, owing to, for instance, the weak institutional capacity to implement relevant laws and policies effectively;

(d) The inadequate training of teachers and the lack of adequate supervision of teachers;

(e) The insufficient educational infrastructure and resources, in particular in marginalized urban and rural areas;

(f) The high number of dropouts among pregnant girls and adolescent mothers, and reports of them being expelled from school or forced to change shifts because of being pregnant;

(g) Reports that the majority of children aged 3 and 4 do not have access to early educational programmes;

(h) Educational programmes not sufficiently addressing human rights and gender equality.

58. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Ensure equal access to education at all levels, regardless of nationality and status of documentation, in line with international obligations, in particular for children of Haitian descent and children lacking a birth certificate, and allow them to take the examinations required to graduate from primary and secondary education;

(b) Improve the availability, accessibility and quality of education for all children, including by adopting high educational quality standards, completing the curriculum review, ensuring adequate infrastructure, providing a fair recruitment process and high-quality training for teachers and allocating adequate resources;

(c) Strengthen the institutional capacity to manage, coordinate and supervise the educational system;

(d) Strengthen measures to address school dropout and increase the completion of secondary education;

(e) Ensure that pregnant teenagers and adolescent mothers receive support for continuing their education and are not expelled from schools or forced to change shifts;

(f) Ensure the effective implementation of the Early Childhood Development Plan with a view to facilitating access to preschool education for all children, including children living in poverty;

(g) Include comprehensive educational programmes on human rights, gender equality and peace in the mandatory curricula.

Rest, leisure, recreation, and cultural and artistic activities

59. The Committee is concerned at the insufficient recreational programmes and infrastructure in the State party, as well as the lack of skilled staff to teach sports and artistic activities.

60. **In line with its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, which counteract the negative effects of violence, the Committee recommends that the State party:**

(a) Develop infrastructure and opportunities for leisure, recreational activities and sport, in particular for children in marginalized situations and for adolescents;

(b) Ensure the availability of skilled teaching staff.

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) 38, 39 and 40)

Asylum-seeking and refugee children

61. The Committee is concerned that the inefficient functioning of the National Refugee Commission (CONARE) is greatly affecting the rights of asylum-seeking children and their families, the overwhelming majority of whom are of Haitian nationality. The Committee is also concerned that the inadequate access to identity documents for child refugees and asylum seekers and/or their relatives puts them at risk of detention and deportation and impedes their access to health care and education.

62. **The Committee recommends that the State party:**

(a) Ensure that children are not deported to a country where their rights risk being violated;

(b) Ensure that the National Refugee Commission undertakes child refugee status determination (RSD) through a fair and efficient asylum procedure, in accordance with international standards and in cooperation with UNHCR;

(c) Ensure the speedy and cost-free processing of temporary identity documents for child refugees and asylum-seekers and their relatives, including documentation certifying legal residency for those who were recognized under the UNHCR mandate;

(d) Provide access to education, health, shelter and other services to which child refugees and asylum-seekers are entitled pursuant to the Convention.

Children in situations of migration

63. The Committee is concerned that the majority of child migrants, most of them from Haiti, lack residential permits and adequate access to services and are frequently victims of exploitation, discrimination and violence. It is also concerned that 881 children were deported to Haiti in 2013, and that no information is available on the conditions and consequences of those deportations.

64. **The Committee recommends that the State party:**

(a) Strengthen efforts to provide unaccompanied migrant children with shelter, care and protection;

(b) Continue its efforts towards the adoption of coordination protocols between the authorities responsible for the protection of children at the border between the Dominican Republic and Haiti, as well as protocols for the voluntary return of migrant children, with guarantees of due process.

Economic exploitation, including child labour

65. The Committee is concerned about:

(a) The high prevalence of child labour in the State party;

(b) The minimum working age set at 14, which is not in accordance with international standards;

(c) The insufficient measures taken to address child domestic labour;

(d) More than half of the child workers not attending school and many suffering violence, in particular domestic workers.

66. **The Committee urges the State party to:**

(a) Review its legislation in order to prohibit the employment of children under 15 years of age and ensure that all hazardous forms of labour, including domestic work, are prohibited for children under 18 years of age;

(b) Ensure strict enforcement of the Labour Code's provisions, strengthen its inspection system and impose effective penalties on those who economically exploit and abuse children;

(c) Conduct a study on the scope of child labour, in particular domestic labour, and evaluate the results of the National Strategic Plan for the Eradication of the Worst Forms of Child Labour 2006–2016 and the Programme to Prevent and Eliminate Child Labour, review the Plan and Programme and ensure that they address child domestic labour, and allocate adequate resources to both;

(d) Increase the coverage and quality of education and provide vocational training programmes to ensure that all children are enrolled and are protected from the harmful effects of child labour;

(e) Ratify ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers;

(f) Continue seeking technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office.

Children in street situations

67. While noting the adoption of the guidelines on the protection of children in street situations (2007-2012) and the related projects, the Committee is concerned about their insufficient implementation and the lack of a comprehensive strategy to respond to the needs of these children. It is also concerned about the lack of information on the scope of the phenomenon.

68. **The Committee reiterates its recommendation (CRC/C/DOM/CO/2, para. 83) and recommends that the State party:**

(a) Conduct a study on the scope of the phenomenon of children in street situations, which would serve as a basis for developing targeted programmes;

(b) Evaluate the results of the guidelines on comprehensive protection for children in street situations and ensure that they are implemented effectively by including adequate resources and a monitoring mechanism under CONANI;

(c) Take measures to ensure that children in street situations are protected from discrimination and violence and have access to care, education and reintegration programmes, including by financially supporting relevant non-governmental organizations.

Sale, trafficking and abduction

69. The Committee, while welcoming the Action Plan against Human Trafficking (2010-2014), is concerned about the insufficient implementation of this plan and about the high prevalence of child trafficking in the State party. The Committee is particularly concerned about:

(a) The number of Haitian children trafficked for forced labour, which has increased since 2010;

(b) Haitian children from poor families being given up for adoption by their parents to Dominican families and working in these families in slavery-like conditions;

(c) The general impunity attached to child trafficking, as shown by the low number of prosecutions, while noting the establishment of a specialized prosecution unit on trafficking in 2013;

(d) The lack of adequate rehabilitation programmes for child victims of trafficking.

70. **The Committee recommends that the State party:**

(a) Evaluate the results of the Action Plan against Human Trafficking, review it and ensure that it is implemented effectively and provided with adequate resources, and also ensure that it includes indicators, a gender perspective and a monitoring mechanism;

(b) Ensure that the Action Plan includes effective measures to prevent child trafficking, investigate all cases, prosecute the alleged perpetrators and punish those convicted;

(c) Provide high-quality protection, compensation, rehabilitation and reintegration programmes for child victims of trafficking and ensure that every effort is made to avoid their revictimization and stigmatization;

(d) Proactively investigate cases of adoption by Dominican families of Haitian children from families living in poverty, and ensure that children are freed without delay from abusive situations and that all cases which could amount to the sale of children are duly prosecuted;

(e) Strengthen training programmes for border police and the military, judges, lawyers and prosecutors, and raise awareness among teachers, families, children and the population at large concerning trafficking.

Administration of juvenile justice

71. The Committee is concerned about the large number of children sentenced to prison and subjected to prolonged pretrial detention. While welcoming the withdrawal of the draft anti-gang law, the Committee is concerned about the amendment of Law 136-03, which increased the sanctions of deprivation of liberty. It is further concerned about:

(a) The inefficient functioning of the juvenile justice system;

(b) The insufficient juvenile courts and lack of adequate procedures;

(c) The lack of alternative measures to detention;

(d) Reports of children being detained together with adults;

(e) Frequent cases of violence, maltreatment and arbitrary and degrading punishments, especially by special police, including the use of isolation cells;

(f) Overcrowded detention conditions, deficient infrastructure and lack of hygiene.

72. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) Remove without delay all children detained with adults;

(b) Improve the functioning and coordination of the Commission for the Implementation of Justice for Children and Adolescents, transfer the administration of all detention centres to the Attorney General's Office, establish sufficient juvenile courts, adopt relevant procedures and allocate adequate resources to the juvenile justice system;

(c) Provide qualified and independent legal aid to children accused of a criminal offence at an early stage of the procedure and throughout the legal proceedings;

(d) Establish and implement an effective system of alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, and ensure that detention is used only as a last resort and for the shortest possible time and that it is reviewed regularly with a view to withdrawing it;

(e) Limit the use of pretrial detention to cases where it is strictly necessary and ensure that adolescents are not detained beyond the legal time limits;

(f) Ensure that detention conditions comply with international standards, including with regard to access to education and health services and protection from violence;

(g) Prohibit the use of isolation cells and other cruel, inhuman or degrading punishment and treatment, ensure the availability of complaint mechanisms, prosecute the alleged perpetrators and punish those convicted;

(h) Designate a supervisory body to monitor detention centres, and ensure that its recommendations are transparent and are implemented effectively;

(i) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

73. The Committee regrets the insufficient measures taken to protect the rights of child victims and witnesses of crimes. While noting the setting up of specialized interview centres, it is concerned at reports that their use is limited, that their effectiveness and impact have not been demonstrated and that they have not been set up in most of the regions.

74. **The Committee recommends that the State party expeditiously take measures to protect the rights of child victims or witnesses of crimes, and ensure that relevant laws, practices, guidelines, protocols and programmes take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). The functioning of the interview centres should be evaluated in a transparent manner; and based on lessons learned, such centres should be established in all regions.**

I. Ratification of the Optional Protocol on a communications procedure

75. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

J. Ratification of international human rights instruments

76. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.**

77. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, the report on which has been overdue since 2009.**

K. Cooperation with regional bodies

78. **The Committee deeply regrets the 2014 Constitutional Court judgement declaring unconstitutional the instrument used by the State party to accede to the jurisdiction of the Inter-American Court of Human Rights. The Committee is**

concerned that this may seriously affect children's rights in the country since the State party risks excluding itself from the jurisdiction of that Court.

79. **The Committee recommends that the State party reconfirm its commitment to the Inter-American Court of Human Rights and cooperate with the Organization of American States (OAS) on the implementation of children's rights, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

80. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the third to fifth periodic reports, the written replies of the State party to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. Next report

81. **The Committee invites the State party to submit its sixth periodic report by 10 January 2020 and to include in it information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

82. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and General Assembly resolution 68/268 (para. 16).**